

SQUIRE, SANDERS & DEMPSEY L.L.P.
Mark C. Goodman (Cal. State Bar No. 154692)
David A. Gabianelli (Cal. State Bar No. 158170)
Amy E. Rose (Cal. State Bar No. 222167)
Andrew L. Chang (Cal. State Bar No. 222309)
One Maritime Plaza, Suite 300
San Francisco, CA 94111-3492
Telephone: +1.415.954.0200
Facsimile: +1.415.393.9887
Email: mgoodman@ssd.com
Email: dgabianelli@ssd.com
Email: arose@ssd.com
Email: achang@ssd.com

Attorneys for Defendant
UNITED STATES FIRE INSURANCE COMPANY

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

LENSCRAFTERS, INC.; and EYEXAM
OF CALIFORNIA, INC.;

Plaintiffs,

vs.

LIBERTY MUTUAL FIRE INSURANCE
COMPANY; EXECUTIVE RISK
SPECIALTY INSURANCE COMPANY;
UNITED STATES FIRE INSURANCE
COMPANY; MARKEL AMERICAN
INSURANCE COMPANY; and
WESTCHESTER FIRE INSURANCE
COMPANY,

Defendants.

Case No. C-07-2853 SBA
The Honorable Sandra B. Armstrong

**UNITED STATES FIRE INSURANCE
COMPANY'S INTERROGATORIES TO
LENSCRAFTERS, INC.
(SET TWO)**

PROPOUNDING PARTY: U.S. Fire Insurance Company

RESPONDING PARTY: LensCrafters, Inc.

SET NO.: TWO

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant U.S. Fire Insurance Company ("U.S. Fire") hereby requests that Plaintiff LensCrafters, Inc. (hereinafter "LensCrafters") answer the following interrogatories separately and fully, in writing and under oath, within thirty (30) days after service.

DEFINITIONS

1. "YOU" or "YOUR" mean Plaintiff LensCrafters, Inc. and any person or entity who has acted or is acting on its behalf.

2. "DOCUMENT" or "DOCUMENTS" shall include all DOCUMENTS and "things" encompassed within the meaning of DOCUMENTS used in Rule 34(a)(1) of the Federal Rules of Civil Procedure. It shall also include all electronically stored information, including electronically-maintained versions (including all prior and final drafts) of any DOCUMENTS you produce in hard copy, as well as any DOCUMENTS maintained solely in electronic format, including but not limited to any correspondence, memoranda, emails, voice, text or instant messages, electronic calendars and databases, spreadsheets or other compilations of data.

3. "ALL DOCUMENTS" means every DOCUMENT within the custody, possession or control of YOU and any of YOUR attorneys or any entity or person over whom YOU have control or from whom YOU have the legal right to obtain documents on demand, whether an original or copy, known to YOU, and every such DOCUMENT or writing which YOU can locate or discover through reasonably diligent efforts.

4. "PERSON(S)" means any natural person and any business, legal, or governmental entity or association.

5. "IDENTIFY" (with respect to PERSONS) means to give, to the extent known, the PERSON's full name, present or last known address and, when referring to a natural person, additionally, the person's age, relationship to you and present or last known place of employment. Once a PERSON has been identified in accordance with this subparagraph, only the name of that PERSON need be listed in response to subsequent discovery requesting the identification of that PERSON.

6. "IDENTIFY" (with respect to a DOCUMENT) means to state: the title of the

document, the type of document (e.g., email, letter, contract, etc.), the identity of each PERSON who authored or prepared the DOCUMENT, the identity of each PERSON who signed it or in whose name it was issued, the identity of each PERSON to whom it was addressed or distributed, its date, its present location, its substance, and the identity of each PERSON currently having custody or possession of it.

7. "STATE ALL FACTS" means to set forth the entire factual background upon which YOU rely in making a particular contention, which includes IDENTIFYING all PERSONS with knowledge of those facts and describing the responsive knowledge each PERSON has, and IDENTIFYING ALL DOCUMENTS on which YOU rely in making the particular contention.

8. The "SNOW ACTION" means the litigation entitled *Melvin Gene Snow, et al. v. LensCrafters, Inc., et al.*, San Francisco Superior Court, Case No. CGC-02-405544.

9. "CLAIM FORM" or "CLAIM FORMS" means those forms sent to the putative class members in the SNOW ACTION pursuant to the terms of YOUR settlement in that action, as described in the Declaration of Daniel Rosenthal in Support of Final Settlement Approval, filed by YOU in the SNOW ACTION on or about June 27, 2008.

INTERROGATORIES

INTERROGATORY NO. 16:

State the aggregate number of CLAIM FORMS submitted by putative class members in the SNOW ACTION that elected a cash payment pursuant to the terms of YOUR settlement in that action.

INTERROGATORY NO. 17:

STATE ALL FACTS that support YOUR response to Interrogatory No. 16.

INTERROGATORY NO. 18:

State the aggregate number of putative class members who submitted CLAIM FORMS in the SNOW ACTION electing a cash payment in settlement of that action, whose claims were based, in whole or in part, on visits to YOU that occurred between January 1, 2000 and February 1, 2001.

INTERROGATORY NO. 19:

STATE ALL FACTS that support YOUR response to Interrogatory No. 18.

Dated: July 25, 2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

By: 
Andrew L. Chang

Attorneys for Defendant
UNITED STATES FIRE INSURANCE
COMPANY

PROOF OF SERVICE

(Pursuant to Federal Law)

The undersigned certifies and declares as follows:

I am a resident of the State of California and over 18 years of age and am not a party to this action. My business address is One Maritime Plaza, Suite 300, San Francisco, California 94111-3492, which is located in the county where any non-personal service described below took place. On July 25, 2008, a copy of the following document:

**UNITED STATES FIRE INSURANCE COMPANY'S INTERROGATORIES TO
LENSCRAFTERS, INC. (SET TWO)**

was served on:

Richard DeNatale, Esq.
Celia M. Jackson, Esq.
Heller Ehrman LLP
333 Bush Street
San Francisco, CA 94104-2878
Telephone: (415) 772-6000
Facsimile: (415) 772-6268

☒ **BY PERSONAL SERVICE VIA MESSENGER** - I caused such envelope to be served via messenger service on the interested parties in said action, at the office of the addressee, by delivering true and correct copies thereof to: First Legal, Inc., 1138 Howard St., San Francisco, California 94103.

Terrence R. McInnis, Esq.
Ross, Dixon & Bell, LLP
5 Park Plaza, Suite 1200
Irvine, CA 92614
Telephone: (949) 622-2700
Facsimile: (949) 622-2739

Alex F. Stuart, Esq.
Willoughby, Stuart & Bening
Fairmont Plaza
50 West San Fernando, Suite 400
San Jose, CA 95113
Telephone: (408) 289-1972
Facsimile: (408) 295-6375

Chip Cox, Esq.
Long & Levitt
465 California Street, 5th Floor
San Francisco, CA 94104
Telephone: (415) 438-4413
Facsimile: (415) 397-6392
chipc@longlevit.com

☒ **BY FIRST CLASS MAIL** - I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. It is deposited with the United States Postal Service in the ordinary course of business on the same day it is processed for mailing. I caused such envelopes to be deposited in the mail at San Francisco, California. The envelopes were mailed with postage thereon fully prepaid.

1 I declare that I am employed in the office of a member of the bar of this court at whose
2 direction the service was made. Executed on July 25, 2008, at San Francisco, California.

3
4 
Tonette Danowski